

Message Text

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ACTION NEA-10

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C O N F I D E N T I A L CAIRO 10857

SECNAV FOR JAG

E.O. 11652: GDS
TAGS: ASEC, ACLM, EG, US
SUBJECT: EX GRATIA PAYMENT IN WALDRON CASE

REF: (A) 77 CAIRO 12095, (B) 77 STATE 169017
- (C) 77 STATE 171961, (D) 77 CAIRO 12292
- (E) 77 STATE 173243

1. WE ARE NOW AT OPERABLE POINT ON EX GRATIA PAYMENT TO THE FAMILY OF ZAKARIYA ISMAIL KHALIL, EGYPTIAN POLICE GUARD KILLED AT AMBASSADOR'S RESIDENCE. UPDATING THE HISTORY, REFERENCE (A) REPORTED THAT GENERAL RANGE OF SUCH PAYMENTS MIGHT BE BETWEEN TWO AND FIVE THOUSAND EGYPTIAN POUNDS AND THAT FORMER FOREIGN MINISTER FAHMY SUGGESTED EMBASSY LAWYER BE ASKED TO NEGOTIATE MATTER WITH VICTIM'S FAMILY TO ARRIVE AT MUTUALLY ACCEPTABLE SETTLEMENT. REFERENCE (B) ADVISED EMBASSY THAT EX GRATIA PAYMENT SHOULD NOT BE MADE WITHOUT SPECIFIC WASHINGTON APPROVAL AND AUTHORIZATION AND REQUESTED DEPARTMENT BE CONFIDENTIAL

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INFORMED OF AMOUNT AND PERTINENT DETAILS. REFERENCE (C) RELAYED DETAILED INSTRUCTIONS FROM CLAIMS DIVISION OF U. S. NAVY JAG THAT (1) FAMILY SHOULD MAKE A CLAIM IN WRITING AND STIPULATE AMOUNT, (2) EMBASSY SHOULD ATTACH COPY OF MARINE CORPS INVESTIGATING OFFICER'S REPORT OF PRELIMINARY INQUIRY, AND (3) THESE TWO DOCUMENTS SHOULD BE SUBMITTED TO UNITED STATES SENDING STATE OFFICE FOR

ITALY, APO NEW YORK 09794, FOR PROCESSING. REFERENCE (D) REITERATED THAT EMBASSY LAWYER WOULD DO THE NEGOTIATION, WHICH WE THEN SUBSEQUENTLY WOULD INCORPORATE IN WRITTEN FORM. REFERENCE (E) CONFIRMED THAT OUR PLAN FOR OBTAINING THE CLAIM WAS SATISFACTORY TO JAG AND PROMISED EXPEDITIOUS SETTLEMENT ONCE CLAIM HAD BEEN PROPERLY DOCUMENTED AND SUBMITTED.

2. THE LONG DELAY BETWEEN JULY, WHEN REFERENCED CABLES WERE EXCHANGED, AND NOW WAS OCCASIONED BY THE FACT THAT THE FAMILY HAD NOT SUBMITTED DOCUMENTS REQUIRED UNDER EGYPTIAN LAW TO BE PRESENTED TO THE APPROPRIATE COURT OF PERSONAL STATUS SELF-CUSTODY. (THE BASIC FUNCTION OF THIS COURT IS TO IDENTIFY THE HEIRS AND ESTABLISH THEIR PROPORTIONATE ENTITLEMENTS TO ANY SETTLEMENT.) THE DOCUMENTS WERE FINALLY FILED, HOWEVER, AND WERE DELIVERED TO THE EMBASSY UNDER DATE OF FEBRUARY 20. WITH THIS IN HAND, THE EMBASSY LAWYER UNDERTOOK TO TALK TO THE DESIGNATED REPRESENTATIVE OF THE FAMILY, WHO WAS DIFFICULT TO REACH BECAUSE HE IS CURRENTLY ON MILITARY DUTY. EMBASSY LAWYER AND KAMEL ISMAIL KHALIL, REPRESENTING THE FAMILY, MET YESTERDAY AND DISCUSSED AND AGREED UPON A SUM OF 2500 EGYPTIAN POUNDS AS AN INDEMNITY IN LIEU OF INSURANCE. THE STATEMENT, WHICH WAS SIGNED BY THE SENIOR BROTHER, READS AS FOLLOWS: "I, THE UNDERSIGNED, KAMEL ISMAIL KHALIL, AND ON BEHALF OF MY FAMILY, HEREBY REQUEST THE CONFIDENTIAL

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EMBASSY TO CONSIDER PAYMENT OF AN INDEMNITY IN LIEU OF INSURANCE FOR MY DECEASED BROTHER ZAKARIYA ISMAIL KHALIL. MY FAMILY AND I CONSIDER THE AMOUNT OF L.E. 2,500 (TWO THOUSAND AND FIVE HUNDRED) TO BE A FAIR INDEMNITY TO US."

ACTION TO BE TAKEN: THE EMBASSY IS POUCHING THE CLAIM, AN INFORMAL TRANSLATION OF THE DECISION OF THE GIZA COURT OF PERSONAL STATUS SELF-CUSTODY, AND A COPY OF THE REPORT OF PRELIMINARY INVESTIGATION TO THE UNITED STATES SENDING STATE OFFICE FOR ITALY, AS INSTRUCTED IN REFERENCE (C).

ACTION REQUESTED: IT WOULD BE APPRECIATED IF THE DEPARTMENT AND APPROPRIATE INFO ADDRESSEES WOULD EXPEDITE CONSIDERATION AND APPROVAL OF THIS CLAIM AND AUTHORIZE THE EMBASSY TO DRAW A CHECK IN THE AMOUNT OF 2500 EGYPTIAN POUNDS TO BE DELIVERED WITH AN APPROPRIATE LETTER SIGNED BY THE AMBASSADOR TO THE FAMILY OF THE DECEASED. EILTS

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